

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: First Supplemental Resolution of Necessity

DEPARTMENT: County Attorney's Office

DIVISION: Property Acquisition

AUTHORIZED BY: Lola Pfeil

CONTACT: Sharon Sharrer

EXT: 7257

MOTION/RECOMMENDATION:

Adopt First Supplemental Resolution of Necessity relating to Chapman Road (from State Road 426 to State Road 434).

District 1 Bob Dallari

Robert McMillan

BACKGROUND:

see attached

STAFF RECOMMENDATION:

Staff recommends that the Board adopt the First Supplemental Resolution of Necessity relating to Chapman Road (from State Road 426 to State Road 434).

ATTACHMENTS:

1. First Supplemental Resolution of Necessity - Chapman Road

Additionally Reviewed By: No additional reviews



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

To: Board of County Commissioners

From: Neil Newton, R/W-NAC *NN*
Major Projects Acquisition Coordinator
Ext. 5736

Through: Matthew G. Minter, Deputy County Manager *MSM*

Concur: Pam Hastings, Administrative Manager/Public Works Department *P. Hastings*
Antoine Khoury, Assistant County Engineer/Engineering Division *AK*

Date: July 7, 2008

Subject: First Supplemental Resolution of Necessity
Chapman Road

Seminole County needs additional properties for the Chapman Road road improvement project specifically, Parcel Nos. 148 and 149. Accordingly, I am submitting for approval by the Board of County Commissioners this First Supplemental Resolution of Necessary.

NN/dre

Attachment

First Supplemental Resolution of Necessity

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RESOLUTION NO. ____R-____

SEMINOLE COUNTY, FLORIDA

**FIRST SUPPLEMENTAL RESOLUTION
CHAPMAN ROAD**

**THE FOLLOWING RESOLUTION WAS ADOPTED BY THE
BOARD OF COUNTY COMMISSIONERS OF SEMINOLE
COUNTY, FLORIDA, AT ITS REGULARLY SCHEDULED
MEETING OF _____, 2008.**

WHEREAS, the Board of County Commissioners of Seminole County desires to accomplish and implement sound transportation planning and provide a sound transportation system in Seminole County for the benefit of the citizens of Seminole County; and

WHEREAS, the safe, efficient and uninterrupted transportation of people and property from place to place on the County Road System of Seminole County is a matter of great concern to the people of the County and is necessary to ensure the smooth operation of commerce and other activities within Seminole County; and

WHEREAS, the constitutional home rule powers of Seminole County, the Florida Transportation Code as listed in Section 334.01, Florida Statutes, and other applicable law including, but not limited to, Chapter 125, Florida Statutes, invest authority over the County road system of Seminole County in the County; and

WHEREAS, the elimination of safety hazards in existing and future transportation facilities within Seminole County is of utmost concern and permits the full utilization of such facilities by the traveling public; and

WHEREAS, it is necessary, beneficial and desirable that any transportation facility in developed or developing areas of the County has an adequate right-of-way in order to accommodate the roadway and its appurtenant facilities to decrease the likelihood of accidents and to increase the safety of travel within and upon such facilities; and

WHEREAS, Chapman Road (from State Road 426 to State Road 434) is an existing roadway in the County road system that traverses a developing area with a high volume of traffic; and

WHEREAS, this First Supplemental Resolution of Necessity is necessary to supplement Resolution of Necessity Number 2008-R-140, that was approved and adopted by the Board of County Commissioners of Seminole County on June 10, 2008, and pertains to certain parcels to be acquired for the Chapman Road road improvements; and

WHEREAS, the existing right-of-way along the proposed roadway is inadequate for proper utilization by current and projected vehicular traffic volumes. Additional traffic lanes and improved drainage facilities are necessary to reduce safety hazards and improve traffic flow. The property hereinafter described is being acquired for use as right-of-way for new sections of roadway, additional traffic lanes and improved drainage facilities on Chapman Road to be used by the public in general. The property hereinafter described is necessary for roadways, rights-of-way, drainage facilities, construction easements and related facilities for the use of the general public including, but not limited to, rights-of-way, drainage facilities and other roadway improvements; and

WHEREAS, Seminole County has heretofore caused the roadway's area of construction to be located and surveyed and has caused a right-of-way map for the

section of Chapman Road hereinabove described to be prepared, based upon and incorporating the survey and location data; and

WHEREAS, Seminole County has evaluated all of the following in determining the specific property to be acquired for the project: (1) availability of an alternate route; (2) costs of the project; (3) environmental factors; (4) long-range planning; and (5) safety considerations; and

WHEREAS, additional legal descriptions of parcels needed for the Chapman Road road improvement project have been prepared based upon aforementioned survey and location data and the right-of-way map; and

WHEREAS, the Board of County Commissioners of Seminole County desires to adopt a First Supplemental Resolution for Chapman Road and add parcels needed for the Chapman Road road improvement project; and

WHEREAS, the Board of County Commissioners of Seminole County desires to utilize the provisions of Florida law to the fullest extent possible in order to accomplish the public purpose of acquiring necessary parcels of real property at prices that are both fair to property owners and prudent in terms of spending the tax revenues and other public funds which fund the transportation projects of the County; and

WHEREAS, the Board of County Commissioners of Seminole County hereby determines that the actions taken herein are consistent with the goals, policies and objectives of the Seminole County Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA;

Section 1. The above recitals are adopted as findings and incorporated into the text of this Resolution

Section 2. It is necessary, serves a County and public purpose, and is in the best interests of the citizens of Seminole County and the traveling public to widen the road and improve the appurtenant drainage facilities on or relating to Chapman Road in order to enhance public transportation within Seminole County, to alleviate traffic congestion and to increase the safety of travel along the road.

Section 3. That the acquisition of the property described in Exhibit "A" attached hereto consisting of four (4) pages and identified as Exhibit "A", 000001-000004, is hereby ratified and confirmed and found to be necessary for said improvements to the extent of the estate or interest set forth as a part of each parcel's description. The Board of County Commissioners of Seminole County hereby finds and determines that the acquisition of these parcels serves a County and public purpose

Section 4. The estates or interests sought to be condemned by these proceedings designated as Parcel Nos. 148 and 149 are to be acquired in fee simple for road construction and related purposes all being associated with roadway improvements for the Chapman Road road improvement project.

Section 5. The County Engineer or his designee is hereby delegated the authority to amend the construction plans for Chapman Road and is authorized to bind the County to construct Chapman Road in accordance with the construction plans as amended from time to time. This authority shall encompass any change considered necessary in the discretion of the County Engineer or his designee, with the exception of changes in the typical section or alignment approved by the Board of County Commissioners of Seminole County.

Section 6. That the County Attorney's Office is hereby authorized and directed to institute a suit or suits in the name of Seminole County and fully exercise Seminole County's power of eminent domain for the purpose of acquiring the parcels described in Exhibit "A" attached hereto to the extent of the estate or interest set forth as a part of each parcel's description and is further authorized and directed to do all things necessary to prosecute such suit or suits to final judgment by settlement or adjudication. In pursuit of such authorization and direction, the County Attorney's Office is specifically authorized to sign and file a Declaration of Taking so that Seminole County may avail itself of the provisions of Chapter 74, Florida Statutes, and is further authorized to accomplish the acquisition of each parcel by settlement and compromise at such terms that it may deem advisable under the circumstances of the litigation in those instances where same can be effected in accordance with any terms, conditions and limitations as established from time to time by the Board of County Commissioners of Seminole County. The County Attorney's Office is authorized and directed to utilize and assert any and all constitutional and statutory authority of Seminole County and the Board of County Commissioners of Seminole County relative to the acquisition of the subject parcels including, but not limited to, the provisions of Chapters 73, 74, 127, and 332, Florida Statutes, as well as the provisions of the Florida Transportation Code referred to in the recitals to this Amended Resolution.

Section 7. Prior to the institution of any suits filed by the County Attorney's Office, the County Attorney or his designee is authorized to negotiate for the purchase and sale of any of the property described in Exhibit "A" at a value consistent with the authority granted by the Board of County Commissioners of Seminole County and to bring back for

execution by the Chairman or, in his absence, the Vice Chairman, without further Board action, the Agreement to consummate the sale to Seminole County.

Section 8. This Resolution supplements Resolution of Necessity Number 2008-R-140 by adding legal descriptions for Parcel Nos. 148 and 149, the legal descriptions being attached hereto as Exhibit "A". The remaining provisions of Resolution of Necessity Number 2008-R-140 are hereby ratified and affirmed.

ADOPTED this _____ day of _____, 2008.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA**

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
BRENDA CAREY, Chairman

Date: _____

NN/dre

06/25/08

Attachment

Exhibit A – legal descriptions 000001-000004

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PROPOSED RIGHT-OF-WAY
PARCEL 148

OWNER: OAK CREEK HOMEOWNER'S ASSOCIATION

000001

PARENT PARCEL TAX ID. No.:
21-21-31-503-0B00-0000

PROPOSED RIGHT-OF-WAY LEGAL DESCRIPTION:

A PORTION OF TRACT "B", OAK CREEK SUBDIVISION, AS RECORDED IN PLAT BOOK 43, PAGES 1-2, PUBLIC RECORDS, SEMINOLE COUNTY, FLORIDA, LYING IN SECTION 21, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA;

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "B"; THENCE RUN SOUTH 00°15'48" WEST, ALONG WEST LINE OF SAID TRACT "B", A DISTANCE OF 436.36 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CHAPMAN ROAD, AS DESCRIBED BY SEMINOLE COUNTY RIGHT-OF-WAY MAP FOR CHAPMAN ROAD, PUBLIC RECORDS, SEMINOLE COUNTY, FLORIDA, ALSO BEING THE POINT OF BEGINNING; THENCE RUN NORTH 88°28'49" EAST, ALONG A PROJECTION OF SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 13.09 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF AYRSHIER PLACE, AS RECORDED IN SAID OAK CREEK SUBDIVISION; SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 43°51'04", AND A CHORD DISTANCE OF 18.67 FEET OF WHICH BEARS SOUTH 44°45'34" WEST; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 19.13 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "B"; THENCE RUN NORTH 00°15'48" EAST, ALONG SAID WEST LINE OF TRACT "B", A DISTANCE OF 12.91 FEET TO THE POINT OF BEGINNING.

CONTAINS 107 SQUARE FEET OR 0.002 ACRES, MORE OR LESS.

GENERAL NOTES

1. BEARINGS AS SHOWN HEREON ARE BASED ON THE BASELINE OF CHAPMAN ROAD, BETWEEN P.I. STATION 142+62.66 AND P.I. STATION 169+20.62, AS HAVING AN ASSUMED BEARING OF SOUTH 89° 44' 12" EAST PER SEMINOLE COUNTY'S CHAPMAN ROAD, RIGHT OF WAY MAPS, DATED 12-92 AND REVISED ON 11-28-94, (AS PREPARED BY PROFESSIONAL ENGINEERING CONSULTANTS, INC., ORLANDO, FL).

2. PARCEL SHOWN HEREON WAS RESEARCHED FOR RIGHTS OF WAYS, EASEMENTS, OWNERSHIPS OR OTHER INSTRUMENTS OF RECORD IN A TITLE SEARCH REPORT PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 06.00128/1399839, DATE OF SEARCH NOVEMBER 17, 2006.

3. THIS PARCEL MAY BE SUBJECT TO ADDITIONAL EASEMENTS, CONVENANTS AND RESTRICTIONS NOT SHOWN HEREIN, RECORDED AFTER THE TITLE SEARCH REPORT DATE.

4. THIS SKETCH OF DESCRIPTION IS TWO SHEETS IN TOTAL AND ONE IS NOT COMPLETE WITHOUT THE OTHER.

5. THIS SKETCH IS REFERENCED TO THE SEMINOLE COUNTY CHAPMAN ROAD RIGHT OF WAY MAPS; DATED 12-92 AND REVISED ON 11-94. PARENT TRACT INFORMATION FOR THIS PARCEL SHOWN HEREON MAY BE FOUND ON SAID REFERENCED MAP.

6. BASELINE OF SURVEY LIES ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 21-21-31.

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE APPLICABLE "MINIMUM TECHNICAL STANDARDS" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61 G17-6, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

William P. Hinkle 05/15/08

WILLIAM P. HINKLE DATE
PROFESSIONAL SURVEYOR & MAPPER
LICENSE NUMBER 4633

NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND
MAPPER

DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SHEET 1 OF 2

SKETCH OF DESCRIPTION

A PORTION OF TRACT "B"
OF OAK CREEK SUBDIVISION,
PLAT BOOK 43, PAGES 1-2
AND LOCATED IN SECTION 21,
TOWNSHIP 21 SOUTH, RANGE 31 EAST
SEMINOLE COUNTY, FLORIDA

(SEE SHEET 2 OF 2
FOR SKETCH OF DESCRIPTION)
CERTIFICATE OF AUTHORIZATION NO. LB 1221

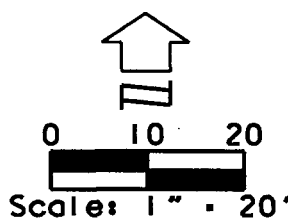
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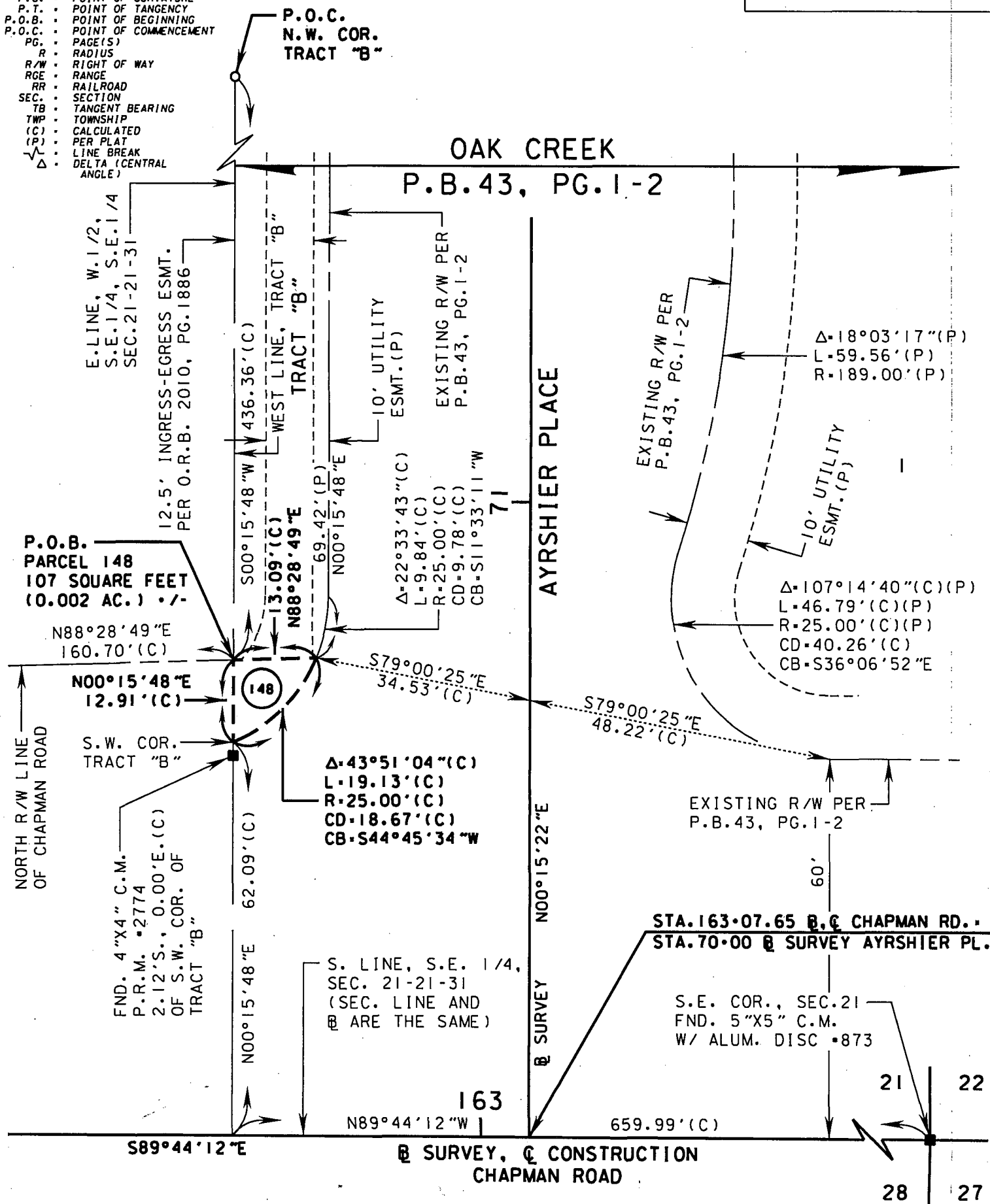
520 SOUTH MAGNOLIA AVENUE
ORLANDO, FLORIDA 32801
(407) 843-5120

ND & ABBREVIATIONS

- AC. ACRE(S)
- CB CHORD BEARING
- CD CHORD LENGTH
- COR. CORNER
- D.B. DEED BOOK
- ESMT. EASEMENT
- FND. FOUND
- ID. IDENTIFICATION
- L. ARC LENGTH
- LB CERTIFICATE OF AUTHORIZATION
- N&D NAIL & DISK
- O.R.B. OFFICIAL RECORDS BOOK
- P.B. PLAT BOOK
- P.C. POINT OF CURVATURE
- P.T. POINT OF TANGENCY
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- PG. PAGE(S)
- R. RADIUS
- R/W RIGHT OF WAY
- RGE. RANGE
- RR. RAILROAD
- SEC. SECTION
- TB. TANGENT BEARING
- TWP. TOWNSHIP
- (C) CALCULATED
- (P) PER PLAT
- Δ LINE BREAK
- Δ DELTA (CENTRAL ANGLE)



000002



SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SHEET 2 OF 2

SKETCH OF DESCRIPTION

A PORTION OF TRACT "B"
OF OAK CREEK SUBDIVISION,
PLAT BOOK 43, PAGES 1-2
AND LOCATED IN SECTION 21,
TOWNSHIP 21 SOUTH, RANGE 31 EAST
SEMINOLE COUNTY, FLORIDA

(SEE SHEET 1 OF 2
FOR LEGAL DESCRIPTION)
CERTIFICATE OF AUTHORIZATION NO. LB 1221

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(407) 843-5120

PROPOSED RIGHT-OF-WAY
PARCEL 149

OWNER: HUNTINGTON HOMEOWNERS ASSOCIATION OF
SEMINOLE COUNTY, INC.

PARENT PARCEL TAX ID. No.:

28-21-31-502-0E00-0000

000003

PROPOSED RIGHT-OF-WAY LEGAL DESCRIPTION:

A PORTION OF TRACT "E", HUNTINGTON, AS RECORDED IN PLAT BOOK 37, PAGES 94-96, PUBLIC RECORDS, SEMINOLE COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA;

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT A 5"X5" CONCRETE MONUMENT WITH AN ALUMINUM DISC STAMPED "873", MARKING THE NORTHEAST CORNER OF SAID SECTION 28; THENCE RUN NORTH 89°44'12" WEST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 2371.02 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 05°17'31" WEST, A DISTANCE OF 59.45 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT "E", ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 05°17'31" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 0.78 FEET; THENCE DEPARTING SAID EASTERLY LINE, RUN NORTH 89°44'12" WEST, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 17.31 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT "E"; THENCE RUN NORTH 02°55'05" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 1.94 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 8.67 FEET AND A CENTRAL ANGLE OF 180°00'00" AND A CHORD DISTANCE OF 17.33 FEET OF WHICH BEARS SOUTH 85°53'42" EAST; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 27.22 FEET TO THE TO THE POINT OF BEGINNING.

CONTAINS 141 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.

GENERAL NOTES

1. BEARINGS AS SHOWN HEREON ARE BASED ON THE BASELINE OF CHAPMAN ROAD, BETWEEN P.I. STATION 142+62.66 AND P.I. STATION 169+20.62, AS HAVING AN ASSUMED BEARING OF SOUTH 89°44'12" EAST PER SEMINOLE COUNTY'S CHAPMAN ROAD, RIGHT OF WAY MAPS, DATED 12-92 AND REVISED ON 11-28-94, (AS PREPARED BY PROFESSIONAL ENGINEERING CONSULTANTS, INC., ORLANDO, FL).

2. PARCEL SHOWN HEREON WAS RESEARCHED FOR RIGHTS OF WAYS, EASEMENTS, OWNERSHIPS OR OTHER INSTRUMENTS OF RECORD USING PLAT BOOK 37, PAGES 94 THROUGH 96, PUBLIC RECORDS, SEMINOLE COUNTY, FLORIDA, AND SEMINOLE COUNTY PROPERTY APPRAISER'S WEBSITE. NO TITLE SEARCH REPORT WAS PROVIDED FOR THIS PARCEL. IT SHOULD ALSO BE NOTED THAT THIS PLAT HAS INSUFFICIENT GEOMETRY TO SUPPORT PLACEMENT OF THE LIMITS OF TRACT E. TRACT E WAS CENTERED RELATIVE TO THE CENTERLINE OF WESTMINSTER TERRACE AS DEPICTED ON THE PLAT.

3. THIS PARCEL MAY BE SUBJECT TO ADDITIONAL EASEMENTS, CONVENANTS AND RESTRICTIONS NOT SHOWN HEREIN, RECORDED AFTER THE TITLE SEARCH REPORT DATE.

4. THIS SKETCH OF DESCRIPTION IS TWO SHEETS IN TOTAL AND ONE IS NOT COMPLETE WITHOUT THE OTHER.

5. THIS SKETCH IS REFERENCED TO THE SEMINOLE COUNTY CHAPMAN ROAD RIGHT OF WAY MAPS, DATED 12-92 AND REVISED ON 11-94. PARENT TRACT INFORMATION FOR THIS PARCEL SHOWN HEREON MAY BE FOUND ON SAID REFERENCED MAP.

6. BASELINE OF SURVEY LIES ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 28-21-31.

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE APPLICABLE "MINIMUM TECHNICAL STANDARDS" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61 G17-6, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

William P. Hinkle 06/11/08
WILLIAM P. HINKLE DATE
PROFESSIONAL SURVEYOR & MAPPER
LICENSE NUMBER 4633

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SHEET 1 OF 2

SKETCH OF DESCRIPTION

A PORTION OF TRACT "E"
OF HUNTINGTON,
PLAT BOOK 37, PAGES 94-96
AND LOCATED IN SECTION 28,
TOWNSHIP 21 SOUTH, RANGE 31 EAST
SEMINOLE COUNTY, FLORIDA

(SEE SHEET 2 OF 2
FOR SKETCH OF DESCRIPTION)
CERTIFICATE OF AUTHORIZATION NO. LB 1221

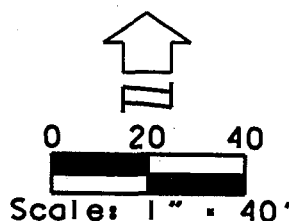
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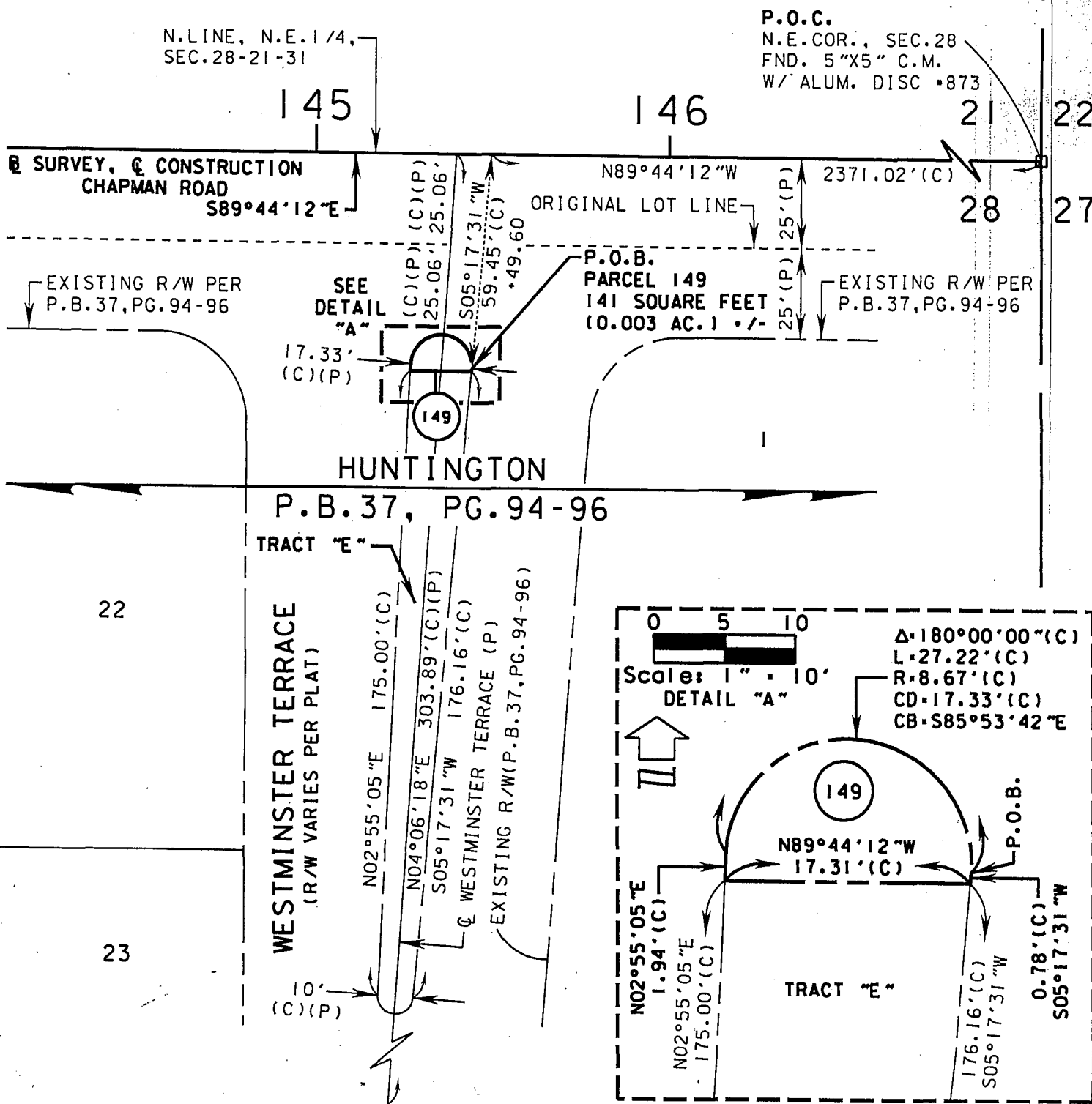
520 SOUTH MAGNOLIA AVENUE
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LEGEND & ABBREVIATIONS

- AC. . . ACRE(S)
- CB . . CHORD BEARING
- CD . . CHORD LENGTH
- COR. . CORNER
- D.B. . DEED BOOK
- ESMT. . EASEMENT
- FND. . FOUND
- ID. . IDENTIFICATION
- L . . ARC LENGTH
- LB . . CERTIFICATE OF AUTHORIZATION
- N&D . NAIL & DISK
- O.R.B. . OFFICIAL RECORDS BOOK
- P.B. . PLAT BOOK
- P.C. . POINT OF CURVATURE
- P.T. . POINT OF TANGENCY
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- P.O.C. . POINT OF COMMENCEMENT
- PG. . PAGE(S)
- R . . RADIUS
- R/W . RIGHT OF WAY
- RGE . RANGE
- RR . RAILROAD
- SEC. . SECTION
- TB . TANGENT BEARING
- TWP . TOWNSHIP
- (C) . CALCULATED
- (P) . PER PLAT
- CL . CENTER LINE
- BL . BASE LINE
- LB . LINE BREAK
- Δ . DELTA (CENTRAL ANGLE)



000004



SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SHEET 2 OF 2

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AND LOCATED IN SECTION 28,
TOWNSHIP 21 SOUTH, RANGE 31 EAST
SEMINOLE COUNTY, FLORIDA

(SEE SHEET 1 OF 2
FOR LEGAL DESCRIPTION)
CERTIFICATE OF AUTHORIZATION NO. LB 1221

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